

Minutes  
Catawba County Board of Commissioners  
Regular Session, Monday, November 17, 2003, 7:00 p.m.

**Agreements**

|   |     |          |
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| Agreement with McGill Associates for Engineering Services – Southeastern<br>Catawba County Water Supply Loop Phase II | 410 | 11/17/03 |
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**Appointments**

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| Startown Small Area Planning Committee | 408 | 11/17/03 |
| Catawba County Board of Adjustment     | 408 | 11/17/03 |

**Budget**

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| Personnel Changes, Reinventing Government - Social Services Department | 412 | 11/17/03 |
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**Certificates**

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| Model EMS System Certificate | 383 | 11/17/03 |
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**Codification of County Laws**

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| Ordinance No. 2003-22, Code of Ordinances, Chapter 44, Article XIII, Special<br>Districts, adding Division 7, Section 44-810 – 44-828 Terrell Highway<br>Commercial (Special District-6) | 385 | 11/17/03 |
| Ordinance No. 2003-23, to Adopt the North Carolina Rehabilitation<br>Code  | 409 | 11/17/03 |

**Emergency Services**

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| Model EMS System Certificate | 383 | 11/17/03 |
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| Fiscal Year 2004-2005 Catawba County Community Transportation Program<br>Grant Application | 383 | 11/17/03 |
| NCDOT Enhancement Agreement - Bunker Hill Covered Bridge                                   | 408 | 11/17/03 |

**Guests**

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| Jerry McComb, President, NAACP Catawba County Chapter  | 383 | 11/17/03 |
| Town of Maiden: Mayor Zane Hudson, Town Manager Herman J. Caulder,<br>Council Members Kevin Spiva and Rick Lawing, and Public Works Director<br>Eddie Faulkner | 383 | 11/17/03 |

**Historical Association, Catawba County**

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| NCDOT Enhancement Agreement - Bunker Hill Covered Bridge | 408 | 11/17/03 |
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**Ordinances**

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| No. 2003-22, Code of Ordinances, Chapter 44, Article XIII, Special Districts,<br>adding Division 7, Section 44-810 – 44-828 Terrell Highway Commercial<br>(Special District-6) | 388 | 11/17/03 |
| Ordinance No. 2003-23, to Adopt the North Carolina Rehabilitation<br>Code  | 410 | 11/17/03 |

**Personnel Department**

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| Personnel Changes, Reinventing Government - Social Services Department | 412 | 11/17/03 |
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**Planning Department**

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| Ordinance No. 2003-22, Code of Ordinances, Chapter 44, Article XIII, Special<br>Districts, adding Division 7, Section 44-810 – 44-828 Terrell Highway<br>Commercial (Special District-6) | 385 | 11/17/03 |
| NCDOT Enhancement Agreement - Bunker Hill Covered Bridge   | 408 | 11/17/03 |
| Terrell Highway Commercial (THC) District – rezoning was withdrawn   | 409 | 11/17/03 |

**Proclamation**

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| Ordinance No. 2003-22, Code of Ordinances, Chapter 44, Article XIII, Special Districts, adding Division 7, Section 44-810 – 44-828 Terrell Highway Commercial (Special District-6) | 385 | 11/17/03 |
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**Reinventing**

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| Personnel Changes, Reinventing Government - Social Services Department | 412 | 11/17/03 |
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| No. 2003-47, Application Seeking Permission to Apply for Community Transportation Program Funding, Enter Into Agreement With the North Carolina Department of Transportation and to Provide the Necessary Assurances | 384 | 11/17/03 |
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| No. 2003-48, Enhancement Agreement – Project E-4806 for Improvements to the Bunker Hill Covered Bridge Historic Site | 408 | 11/17/03 |
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| Personnel Changes, Reinventing Government - Social Services Department | 412 | 11/17/03 |
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**Transit**

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| Fiscal Year 2004-2005 Catawba County Community Transportation Program Grant Application | 383 | 11/17/03 |
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**Utilities and Engineering Department**

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| Ordinance No. 2003-23, to Adopt the North Carolina Rehabilitation Code | 409 | 11/17/03 |
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| Engineering Services – Southeastern Catawba County Water Supply Loop Phase II (Agreement with McGill Associates) | 410 | 11/17/03 |
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| Fall Hazardous Waste Day | 412 | 11/17/03 |
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**Zoning**

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| Terrell Highway Commercial (THC) District – rezoning was withdrawn | 409 | 11/17/03 |
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The Catawba County Board of Commissioners met in regular session on Monday, November 17, 2003, 7:00 p.m., at the 1924 Courthouse, Robert E. Hibbits Meeting Room, 30 North College Avenue, Newton, North Carolina.

Present were Chair Katherine W. Barnes, Vice-Chairman Dan A. Hunsucker, Commissioners Glenn E. Barger, Barbara G. Beatty, and Lynn M. Lail.

Absent: N/A

A quorum was present.

Also present were County Manager/Deputy Clerk J. Thomas Lundy, Assistant County Manager Mick W. Berry, County Attorney Robert Oren Eades, Staff Attorney Debra Bechtel, and County Clerk Thelda B. Rhoney.

1. Chair Barnes called the meeting to order at 7:00 p.m.
2. Chair Barnes led in the Pledge of Allegiance to the Flag.
3. Commissioner Hunsucker offered the Invocation.
4. Commissioner Hunuscker made a motion to approve the Minutes from Regular Session of Monday, November 3, 2003, and November 10, 2003, joint meeting with three School Boards of Education. The motion carried unanimously.
5. Recognition of Special Guests.

Chair Barnes recognized Jerry McComb, President, NAACP Catawba County Chapter, and congratulated him on a successful banquet and 25 year anniversary celebration on Saturday, November 15, 2003.

Chair Barnes also recognized the following from the Town of Maiden: Mayor Zane Hudson, Town Manager Herman J. Caulder, Council Members Kevin Spiva and Rick Lawing, and Public Works Director Eddie Faulkner.

6. Public Comment for items not on the agenda. None.
7. Presentation:
  - a. Presentation of a Model EMS System Certificate to Catawba County. Presented by Danny Harbinson, North Carolina Office of Emergency Medical Services.

Chair Barnes welcomed EMS Director David Weldon and Fire and EMS staff to join her at the podium to receive the award.

Mr. Harbinson said Chief Drexel Pratt was unable to attend the meeting. He said as being a former Catawba County employee and Catawba County resident he was honored to present the second certificate in Western North Carolina to Catawba County and the seventh in the state. Approximately one year ago the state developed minimum standards that all EMS systems must meet. Staff had to develop extensive and comprehensive application then undergo a formal site visit conducted by state staff. He reviewed points in the plan and presented Chair Barnes with a Certification.

Char Barnes then presented the certificate to Mr. Weldon.

- b. The Board proclaimed November 27-29, 2003, as Hmong New Year and Chair Barnes presented a proclamation to Tong Vang, Jerry Vang, Spencer Lo, Khue Kang, Chi Xiong, and Her Xiong.

Mr. Tong Vang thanked the Board for the proclamation and he invited everyone to experience the difference of their culture in Caldwell County during the Hmong New Year Celebration, November 27-29, 2003. On Thursday, November 27, 10:00 a.m. they will have a parade.

8. Public hearings:
  - a. Fiscal Year 2004-2005 Catawba County Community Transportation Program Grant Application.

Interim Transit Manager, Piedmont Wagon Transit System Tricia Huffman said the Community Transportation Grant Application is an annual grant that is available from the North Carolina Department of Transportation, Public Transportation Division. The purpose of the grant is to provide funds for administration and capital expenses for counties that meet the requirements of coordination and consolidation. The funding covers 85 percent of allowable administrative expenses and 90 percent of capital funding. This will be the sixth year that Catawba County has qualified for this grant and transit staff requests approval to submitted an application.

The FY 2004-2005 Community Transportation Application is projecting a total of \$145,429 in administrative expenses and \$841,500 in capital expenses. The requested funding from NCDOT will be \$123,615 for administrative expenses and \$757,350 for capital expenses. The required match from Catawba County is \$21,814 for administrative expenses and \$84,150 for capital, making a total local match requirement of \$105,964. The capital funding would be for facility construction project that is proposed to commence during Fiscal Year 2004-2005, and for the purchase of one replacement van conversion that is currently been used to provide transportation to nutrition centers and medical appointments. The van being replaced will be available to Catawba County Department of Social Services for use at group homes. Other capital items include a new desk, one safe, one laptop computer, one pager, two cell phones, one file cabinet and a voicemail program. These funds will allow the consolidated transportation system in Catawba County to continue to provide transportation to senior citizens, the community of the disabled, human services clients, and the general public living outside of the urbanized area. The primary trip purposes are nutrition for senior citizens, medical appointments, shopping, education, employment, and transportation to human services facilities. She said the new component of this application is a new transit facility and she requested that the Board hold a public hearing and adopt a resolution. The Transportation Advisory Committee had met twice and unanimously recommended the application.

Planning Director Jacky M. Eubanks said a feasibility study identified one of the proposed sites as 8-acres of a 111-acre tract owned by Catawba County where the Government Center and Justice Center are located. The value of the 8-acres is approximately \$176,000 which would equate to 10 percent of the capital needs for the Piedmont Wagon transit system. Mr. Eubanks said staff would go before the next County subcommittee on November 24 and then before the Commissioners on December 1, 2003, requesting consideration of a 30-year lease of an approximately 8-acre tract of land subject to driveway and street connections being provided to the County's best interest and public safety considerations and that it coordinates with the planned Criminal Justice Center's expansion site plan. He said the land will be used as the local match. He said the Piedmont Wagon is looking at more of a regional concept for the unifour.

#### **Resolution No. 2003-47**

#### **Application Seeking Permission to Apply for Community Transportation Program Funding, Enter Into Agreement With the North Carolina Department of Transportation and to Provide the Necessary Assurances**

WHEREAS, Article 2B of Chapter 136 of the North Carolina General Statutes and the Governor of North Carolina have designated the North Carolina Department of Transportation (NCDOT) as the agency responsible for administering federal and state public transportation funds; and

WHEREAS, the North Carolina Department of Transportation will apply for a grant from the US Department of Transportation, Federal Transit Administration and receives funds from the North Carolina General Assembly to provide assistance for rural public transportation projects; and

WHEREAS, the purpose of these transportation funds is to provide grant monies to local agencies for the provision of rural public transportation services consistent with the policy requirements for planning, community and agency involvement, service design, service alternatives, training and conference participation, reporting and other requirements (drug and alcohol testing policy and program, disadvantaged business enterprise program, and fully allocated costs analysis);

WHEREAS, Catawba County hereby assures and certifies that it will comply with the federal and state Statutes, regulations, executive orders, Section 5333 (b) Warranty, and all administrative requirements which relates to the applications made to and grants received from the Federal Transit Administration, as well as the provisions of Section 1001 of Title 18, U. S. C.

NOW, THEREFORE, be it resolved that the Chair of the Catawba County Board of Commissioners is hereby authorized to submit a grant application for federal and state funding, make the necessary assurances and certifications and be empowered to enter into an agreement with the NCDOT to provide rural public transportation services.

This 17th day of November, 2003.

/s/ Katherine W. Barnes, Chair  
Catawba County Board of Commissioners

/s/ Thelda B. Rhoney, County Clerk

Chair Barnes said this was the time and place as advertised for the public hearing and anyone wishing to speak either for or against to please come forward.

No one spoke.

Chair Barnes closed the public hearing.

After a brief discussion, Commissioner Barger made a motion to adopt the aforementioned resolution supporting the application. The motion carried unanimously.

- b. Proposed amendments to the Catawba County Code of Ordinances, Chapter 44, Article XIII, Special Districts, adding Division 7, Section 44-810 – 44-828 Terrell Highway Commercial (Special District-6). The Terrell Highway Commercial District is comprised of an approximate 1,000-foot corridor measured 500 feet from the centerline of Highway 150 from Slanting Bridge Road to Marshall Road. Standards for new commercial development are being proposed within the corridor, such as driveway access, parking requirements, landscaping, signage and building size.

Planning Director Jacky M. Eubanks said the Planning Board recommended that the Board of Commissioners amend the County's Zoning Ordinance Chapter 44, Article XIII, Special Districts, by adding Division 7. Terrell Highway Commercial (Special District-6), Sections 44-810 – 44-828.

The following ordinance represents the Terrell Highway Commercial (THC) District regulations. The area is deemed to extend 500-feet from the edge of the right-of-way on both sides along Highway 150 from Slanting Bridge Road (SR 1844) to Marshall Road. This Division will affect 48 parcels. Eight are zoned commercial comprising approximately 11-acres which are located near the intersection of Sherrills Ford and Highway 150. Four of the eight parcels zoned commercial are developed with structures. The remaining approximate 40 parcels are zoned residential comprising approximately 169-acres. Approximately 28 of the 40 parcels zoned residential are developed with structures. There are approximately 16 vacant parcels within the proposed THC District. He said the Board of Commissioners adopted the Sherrills Ford Small Area Plan on February 17, 2003. This plan serves as the current Land Use Plan for this area. The adoption of high quality commercial development standards lessens the possibility of piecemeal development that could compromise the integrity of the Highway 150 Corridor within this area. By adopting the regulations as described in the draft, which creates the THC District, establishing the development standards and describing the boundary of the corridor as an overlay zone, these tools working together create sufficient triggering mechanisms that safeguard the integrity of the corridor. The proposed THC District is within an area designated by the Sherrills Ford SAP as a proposed "village" center area. The Sherrills Ford Plan further recommended that the Zoning Ordinance be amended to include a Highway 150 corridor overlay for new development. The Plan recommends that the ordinance address the following standards:

- Landscaping/buffers
- Additional setbacks
- Storage in rear
- Access management
- Signage, including the prohibition of billboards
- Lighting standards

The THC District will abut a proposed Village Center (mixed-use) district. It is not unusual to place a highway commercial district next to a mixed-use (residential and commercial) district especially when the project abuts a major road such as Highway 150. One thing that is not typical of model village center ordinances is the recognition and incorporation of a highway commercial district. Because of

the uniqueness of Highway 150, the Sherrills Ford Small Area Plan has recommended commercial development standards be adopted.

On September 29, 2003, the Planning Board held a public hearing on the THC draft Ordinance. The Planning Board continued the public hearing on the text amendments to the October 27, 2003 meeting due to the amount of information, potential edits to this Ordinance and giving the community an opportunity to review and comment on the draft.

On October 13, 2003, a community meeting was held at the Sherrills Ford Elementary School Cafeteria. All property owners within the proposed Terrell Highway Commercial (THC) District were sent letters regarding the meeting. This amounted to 34 owners representing 48 properties. 36 people attended the meeting. The general comments from property owners at the meeting were:

- Existing owners with houses being used for residential purposes want to be taxed at a residential rate.
- Some expressed the desire for certain aesthetic controls for parcels fronting Highway 150.
- Some expressed positive comments of the Rosedale development as something to strive for in Terrell.
- Some felt that the area from Slanting Bridge to Sherrills Ford Road made sense for a THC District, but on the east side of Sherrills Ford Road to Marshall Road does not. Too many existing residences and many of the owners are elderly on the east side of Sherrills Ford Road.
- A concern was expressed that since the committee had three years to prepare the plan, it was unfair to give the community only 30 days to respond to the rezoning. The neighborhood and the property owners needed at least 90 days to consider the request.

On October 14, 2003, and October 27, 2003, planning staff took all interested Board members on a tour of several commercial developments in Huntersville, NC and Mooresville, NC depicting high quality design standards similar to those being contemplated for Catawba County. On October 31, 2003, the Planning Department received a letter expressing concern for a couple of uses that could have negative impacts on the area, namely Billiard or pool halls and Nightclubs. Staff will continue to fine-tune the standards as it prepares the Unified Development Ordinance.

Phase 1 water extension is underway which will provide public water to the Terrell Community. A wastewater study is underway which could identify a feasible approach to providing public sewer service to this general area of Sherrills Ford.

Highway 150 is designated as a minor arterial by the Catawba County Thoroughfare Plan (1992). The capacity of this road is 9,900 ADT, which is already exceeded. The 2004-2010 State Transportation Improvement Program shows funding for planning purposes for widening of Highway 150. This is the initial step for project construction funding. The planning and environmental studies of Highway 150 from Lincolnton to I-77 will begin in calendar year 2004.

At its October 27, 2003 meeting, the Planning Board discussed much of the public opposition revolved around the proactive rezoning request involving increased tax values that would be incurred on residential properties if the area were rezoned to commercial. The Tax Office has confirmed with the Planning Department that the tax value of property will most likely increase once property is rezoned from residential to commercial regardless of the current use. At the public hearing one person spoke in favor of the text amendments while no one spoke in opposition. The Planning Board recommended that an overlay district be approved within the text amendments, which does not proactively rezone properties within the Highway 150 corridor but rather requires a developer to apply for a rezoning to the Terrell Highway Commercial District when they seek to develop their property. The Planning Board recommended that the Board of Commissioners amend the Zoning Ordinance Chapter 44, Article XIII, Special Districts, by adding Division 7. Terrell Highway Commercial (Special District-6), Sections 44-810 – 44-828. These standards would go into effect when the following occurs: (1) any change of use, (2) any major expansion to an existing commercial structure, (3) any development of vacant tracts that occurs after the effective date of this Division, or (4) any subdivision of land for commercial uses. The standards will not apply to existing single-family, site-built or manufactured homes or duplexes that are used for residential purposes.

Staff recommended that the Board of Commissioners consider a window of opportunity to extend to the February 15, 2004, filing deadline to waive the rezoning application fee for those applicants who wish to proactively rezone their properties to the THC District.

County Attorney Robert Oren Eades said people wanted Terrell to remain consistent and they wanted uniformity in appearance. The type of construction that the proposed ordinance allows would consist of structures that look like the Terrell County Store like lap-siding which could be out of artificial materials.

Mr. Eubanks said this is modeled after the 321 Corridor plan and he described the Overlay district concept. Site specific plans would accompany any requests.

Chair Barnes said this was the time and place as advertised for the public hearing and anyone wishing to speak either for or against to please come forward.

Michael Roth, 7921 Hwy 150, said he endorsed the recommendations and was concerned about the traffic on the Terrell corridor. He said he objected to loud music. He said all of his acreage is within the Terrell zone and he cannot build a new home of which he had plans of doing, he lives in a 900 square foot home that was passed down from generation to generation and he objects to not being able to build.

Chair Barnes asked Mr. Eubanks that the ordinance would not prohibit the building of a new structure to replace an existing residence. Mr. Eubanks said that was correct.

Mr. Roth asked the question that a new structure could only be build only if the initial structure was destroyed. Chair Barnes said that is correct.

Ms. Nancy Pope spoke in her mother's behalf who owns property in the same area as Mr. Roth and they are also opposed to loud music.

There being no one else wishing to speak.

Chair Barnes closed the public hearing.

Mr. Eubanks said site plan approvals would be handled administratively in accordance with the standards but the THC actual rezonings would come before the board for approval.

**ORDINANCE NO. 2003-22**

**BE IT ORDAINED** That the Catawba County Code is hereby amended by adding a section, to be numbered Article XIII, Special Districts, Division 7, Sections 44-810 – 44-825, which said sections read as follows:

**Division 7, Section 44-810 – 44-825 Terrell Highway Commercial (Special District-6)**

In accordance with the provisions of Senate Bill 633, enacted and ratified during the North Carolina General Assembly's 2001 session.

The 2002 edition including all subsequent amendments of the North Carolina Rehabilitation Code (NCRC) is hereby adopted by reference as fully as though set forth herein.”

- (a) All laws and clauses of laws in conflict herewith are hereby repealed to the extent of said conflict.
- (b) If this ordinance or application thereof to any person or circumstance is held invalid, such invalidity shall not affect other provisions or applications of the ordinance, which can be given separate effect, and to this end the provisions of this ordinance are declared be severable.
- (c) This ordinance shall be enforced as provide in N.C.G.S. 153A-123 or as provided in the Catawba County Code of Ordinances. All criminal sanctions shall be the maximum allowed by law.
- (d) This ordinance shall become effective on the 1st day of January 2004.

## **DIVISION 7. TERRELL HIGHWAY COMMERCIAL (THC) (SPECIAL DISTRICT-6)**

### **Sec. 44-810. Statement of intent.**

The Terrell Highway Commercial (THC) District is a gateway for the community and often defines the first image someone has upon entering the County. It is designed to create an orderly transition linking a high traffic corridor with a Village Center District. The district is established primarily for uses that rely on automobile rather than pedestrian access due to the scale and access requirements of Highway 150. The THC District serves the Sherrills Ford community and travelers within a multi-county region. In order to accomplish compatibility, strategic walkable connections leading from the THC District to the Village Center District are necessary. The THC District implements the Sherrills Ford Small Area Plan policies relating to the Highway 150 corridor. Specifically, the THC District:

- ?? Provides a commercial corridor with connections to a Village Center District;
- ?? Provides a walkable commercial area that is inviting to pedestrians and convenient for the traveling public;
- ?? Provides a mixture of commercial and office uses; and
- ?? Establishes building form and architectural standards compatible with the historical character of the Terrell area.

### **Sec. 44-811. Boundaries.**

Where any uncertainty exists with respect to the boundary of any district as shown on the zoning map, the Terrell Highway Commercial (THC) District (special district-6) is deemed to extend 500-feet from the edge of the right-of-way on both sides along Highway 150 from Slanting Bridge Road (SR 1844) to Marshall Road.

### **Sec. 44-812. Applicability.**

- (a) This Division applies to all land designated as the THC District in Sec. 44-811.
- (b) The THC District is designated as an overlay district in which additional requirements are imposed on certain properties within one or more underlying general or special use districts. Except as provided in subsection (d), below, the THC district applies to the extent that there is any inconsistency between the THC district and the underlying general or special use district.
- (c) This Division applies to any of the following activities within the THC district:
  - (1) any change of use;
  - (2) any major expansion to an existing commercial structure;
  - (3) any development of vacant tracts that occurs after the effective date of this Division;
  - (4) any subdivision of land for commercial uses.

- (d) This Division does not apply to existing single-family, site-built or manufactured homes or duplexes that are used for residential purposes. Additions to such structures or accessory uses are permitted subject to the zoning requirements of the district and Sec. 44-38. Existing single-family, site-built or manufactured homes and duplexes that are partially or fully destroyed may be rebuilt or repaired as a matter of right.
- (e) Where there are conflicts between the special regulations in this division and general zoning, subdivision, or other regulations or requirements, the more restrictive requirement applies.
- (f) Where actions, designs, or solutions proposed by the applicant are not literally in accord with applicable THC District regulations or general regulations, but the county planner makes a interpretation in accordance with the spirit of the regulations in the particular case that public purposes are satisfied to an equivalent or greater degree, the county planner may make specific modification of the regulations in the particular case.

Compliance with this ordinance is required in accordance with Table 1.

**Applicability ChartTable 1****Y** = Compliance with all applicable standards required**R** = Retrofit to the extent practical

Existing Building Expansion (minor): Expansion to buildings less than or equal to 25% of the current leasable/heated area.

Existing Building Expansion (major): Expansion to buildings greater than 25% of the current leasable/heated area.

|  | Sec<br>44-816               | Sec<br>44-817                                   | Sec<br>44-818                               | Sec<br>44-819              | Sec<br>44-820              | Sec<br>44-821                    | Sec<br>44-822     | Sec<br>44-823 | Sec<br>44-824 | Sec<br>44-825 |
|--|-----------------------------|---|---|----------------------------|----------------------------|----------------------------------|-------------------|---------------|---------------|---------------|
|  | Site dimension<br>standards | Building design<br>standards/site<br>appearance | Driveway<br>connection/access<br>management | Streetscape<br>landscaping | Buffering and<br>screening | Landscaping of<br>parking areas  | Pedestrian design | Parking       | Signs         | Site lighting |
| Parking Area Expansion<br>(minor 12-24 spaces)                         | R                           | R   | R   | R                          | R                          | R                                | R                 | R             | R             | R             |
| Parking Area Expansion<br>(major 25 or more<br>spaces)                 | N/A                         | N/A   | R   | R                          | Y                          | Y (for<br>new<br>spaces<br>only) | R                 | Y             | R             | Y             |
| Change of Use  | R                           | R   | R   | R                          | R                          | R                                | R                 | R             | R             | R             |
| Existing Building<br>Expansion (minor)                                 | R                           | R   | R   | R                          | R                          | R                                | R                 | R             | R             | R             |
| Existing Building<br>Expansion (major)                                 | Y                           | Y   | R   | R                          | Y                          | Y                                | Y                 | Y             | Y             | Y             |
| New Building<br>Construction<br>undeveloped site (incl.<br>outparcels) | Y                           | Y   | Y   | Y                          | Y                          | Y                                | Y                 | Y             | Y             | Y             |

**Sec. 44-813. Appeals.**

For the purposes of this division, appeals shall follow the procedures set forth in Sec. 44-44.

**Sec. 44-814. Uses.**

- (a) Uses allowed in the THC District are those that would typically occupy smaller scale commercial/retail/office type uses where the general public would utilize specific goods and services.
- (b) The uses identified in the Table 1 in Sec. 44-87 in the Zoning Ordinance under C-1, C-2, and O-I are allowed in the THC District.
- (c) The following uses are prohibited in the THC District:

| <b><u>Prohibited Uses in THC District Chart</u></b><br><b><u>Table 2</u></b> |                                   |
|--|-----------------------------------|
| Aboveground pipelines  | Manufacturer's showroom           |
| Amusement park/services  | Marina and dry storage facilities |
| Armory   | Miniature golf, services          |
| Auto repair or auto service shops  | Mini-warehouse                    |
| Auto sales, storage or salvage yards   | Monument sales                    |
| Auto, truck, boat and motorcycle sales                                       | Motor vehicle repair, major       |
| Automatic bank teller (free standing)  | Motor vehicle repair, minor       |
| Baseball hitting range   | Movie theater (drive-in)          |
| Billiard or Pool hall  | Municipal garage                  |
| Boardinghouse, rooming house   | Nightclubs                        |
| Bus terminal   | Open conveyor belts               |
| Campgrounds  | Open storage                      |
| Carwash (free standing)  | Par-three golf                    |
| Cemetery, human public   | Pawnshop                          |
| Cemetery, pet  | Radio and television studio       |
| Circus, carnival and fair  | Radio frequency test facility     |
| Dragstrips or racetracks   | Rental of domestic vehicles       |

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| Drive-thru windows                                       | Roadside stand, commercial                        |
| Equipment rental   | Sanitarium and mental institution                 |
| Farm supplies  | Solid waste disposal sites                        |
| Firing/shooting range (indoor)                           | Subdivision of land for residential uses          |
| Flea market  | Telecommunication facilities, wireless            |
| Flea market (indoor)                                     | Television and/or radio tower facilities          |
| Golf driving range                                       | Tire recapping shops                              |
| Greenhouse, commercial                                   | Warehouse   |
| Motel  | Wholesale distribution                            |
| Industrial supplies and equipment                        | Wood waste grinding operations                    |
| Lawn and garden  | Wood waste grinding operation, temporary off-site |
| Lumber and building materials sales                      | Wrecking yards or junkyards                       |
| Manufactured/modular home and recreational vehicle sales | Zoo   |

#### **Sec. 44-815. General development plan required.**

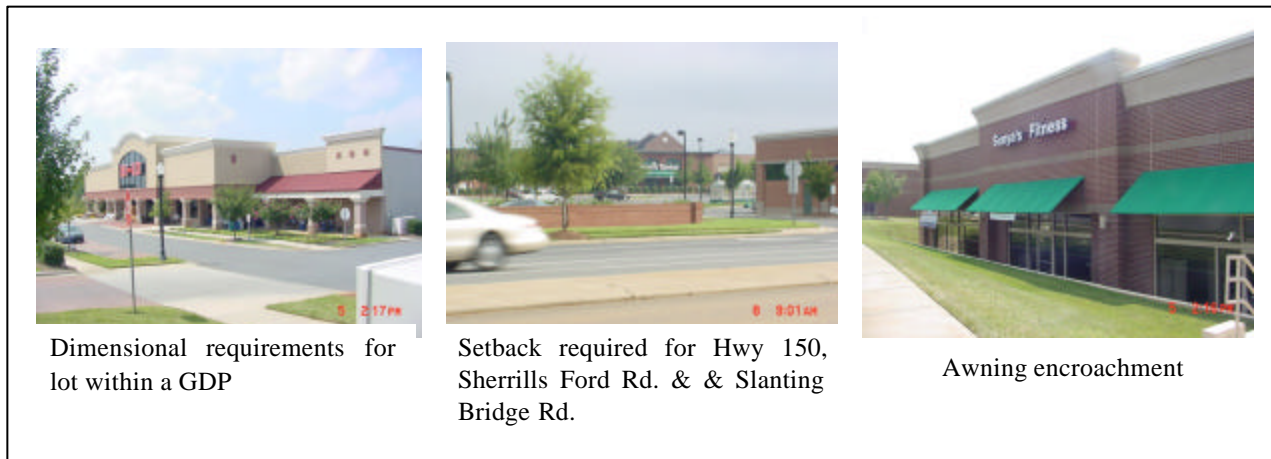
Any person wishing to develop land in the THC District comprising of 5-acres or more, shall submit a general development plan (GDP) for approval. Submittal of a site plan for parcels less than 5-acres that existed prior to the adoption of the THC District will be considered provided that the development standards in the THC district are met to the extent feasible. The provisions for processing a GDP established in Sec. 44-808 shall also apply to the THC District.

#### **Sec. 44-816. Site standards.**

- (a) *Scope.* The standards and regulations outlined in Sec. 44-809 (b 1-5), (c 1-4) apply to the THC District.
- (b) *Dimensional requirements for lots within a GDP.* Subdivisions of land in the THC District require review and approval of a GDP. Individual lots in the THC District shall adhere to the following:
  - (1) *Minimum Lot Size:* 40,000 sq. ft.
  - (2) *Minimum Lot Width:* 100 feet.
  - (3) *Building Setbacks:* The minimum distance measured from the edge of the street right-of-way and/or nearest property line to be as follows:

|  |                                    |
|--|------------------------------------|
| Front Setback  | 10 ft.                             |
| Side Setback   | 6 ft. (0 ft. for attached uses)    |
| Rear Setback   | 30 ft.                             |
| Setback required for Highway 150, Sherrills Ford Road and Slanting Bridge Road | 35 ft. (no parking within setback) |

- (4) *Accessory Structures:* Side/Rear Setback: 0 feet.
- (5) *Encroachments:* Canopies and awnings may encroach into the front setback up to 8 feet.
- (6) *Outside display/storage.* No outside display or storage of inorganic product.



#### **Sec. 44-817. Building design standards/site appearance.**

- (a) *Building design.* Building designs in the THC District shall accommodate diversity in style and building materials striving to define a distinct character while maintaining a high quality of development standards. Buildings shall be oriented to maximize the convenience of pedestrian walkability. Development patterns shall avoid the excessive linear expansive rooflines of a strip plaza.
- (b) *Building Size.* Individual buildings shall not exceed 65,000 square feet.
- (c) *Street line Preservation.* Where a major and minor thoroughfare is planned to be built or widened and initial roadway design and right-of-way locations have been completed, all building setbacks shall account for these improvements. When a future road or road improvement is shown on the County Thoroughfare Plan, the developer is to take possible road improvements into account in the site design.
- (d) *Type of Construction.* Manufactured, mobile, and metal units shall be prohibited except as may be allowed for temporary office management or storage uses during the construction

phase. The use of smooth vinyl, unpainted cinder-block walls, or metal paneling shall be prohibited, but the use of decorative, split-faced masonry products is permissible.

- (e) *Roof Pitch.* Roof pitches less than 3/12 and flat roofs will require a parapet wall. A pitched roof shall be profiled by eaves a minimum of 6 inches from the building face or with a gutter. Service station canopies shall not have a consistently flat roof. The pitch of the canopy shall resemble the roof form of the principal structure.



- (f) *Façade Treatment.* Architectural elements like windows and doors, bulkheads, masonry piers, transoms, cornice lines, window hoods, awnings, canopies, and other similar details shall be used on all facades facing public or private street rights-of-way. Building wall offsets, including projections, recesses, and changes in floor level shall be used in order to: add architectural interest and variety; relieve the visual effect of a single, long wall; and subdivide the wall into human size proportions. Similarly, roofline offsets should be provided to lend architectural interest and variety to the massing of a building and to relieve the effect of a single, long roof. In order to offer pedestrian interest along sidewalks and paths, the ground level of any building must include windows, entrances, architectural details and awnings. Building façades shall be separated at least every 400-feet by either a street or pedestrian amenity.
- (g) *Building Entrances.* A primary entrance shall be designed for the pedestrian and be designed for entrance from new interior streets. Such entrances shall add variety to the streetscape and can be oriented towards on-street parking. Additional entrances may be oriented toward side or rear parking lots. Service entrances for shipping and receiving should be designed to be aesthetically pleasing as practical and shall be oriented away from the street to the extent possible. Building frontages shall be oriented towards the interior of the development. Buildings shall front public or private streets.
- (h) *Street Walls.* The first floors of all buildings shall be designed to encourage and complement pedestrian-style interest and activity by limiting the expanses of blank walls to no more than 20 feet in length. A "blank wall" is a facade that does not contain transparent windows or doors. Ventilation grates or emergency exit doors located at the first floor level in the building facade, which are oriented to any public street, shall be decorative.
- (i) *Site appearance.* The site design and overall appearance should achieve proportionality and connectivity with adjacent sites to the extent possible while recognizing that individual businesses and uses developed within the corridor are separate and have unique characteristics.

- (j) *Underground utilities.* All on-site utilities (electrical, telephone, etc.) shall be located underground unless technical restrictions exist for doing so. Provisions shall be made to significantly reduce the visual blight of any aboveground utilities.
- (k) *Paving materials.* Permitted paving materials for crosswalks, sidewalks, and similar pedestrian pathways include brick, concrete (aggregate exposed finish), cement pavers, brick pavers or materials that are similar in appearance and durability. Breaking pavement patterns is to establish pedestrian spaces, which can be more easily recognized by the motoring public thus increasing a high level of safety for both parties.



**Sec. 44-818. Driveway connection/access management.**

- (a) *Driveway Connection/Access Management.* Driveways shall conform to the requirements in Table 3 below. Where the North Carolina Department of Transportation (NCDOT) *Policy on Street and Driveway Access to North Carolina Highways* conflicts with these regulations, the stricter of the two standards applies.

| Table 3                                      |                             |                        |
|--|-----------------------------|------------------------|
| <i>Driveway Connection/Access Management</i> |                             |                        |
| Frontage (feet)                              | Number of Driveways Allowed | Minimum Spacing (feet) |
| Less than 500                                | 1                           | 400                    |
| 501-999                                      | 2                           | 400                    |
| More than 1000                               | 3                           | 400                    |



## Driveway connection/access management

- (b) *Driveway separation.* The minimum distance between a driveway and an existing State Road intersection shall conform to Table 4. Where the NCDOT *Policy on Street and Driveway Access to North Carolina Highways* conflicts, the stricter of the two standards applies.

| Table 4                  |                         |
|--------------------------|-------------------------|
| Street Type              | Minimum Distance (feet) |
| Major/Minor Thoroughfare | 500                     |
| Local/Collector Street   | 200                     |

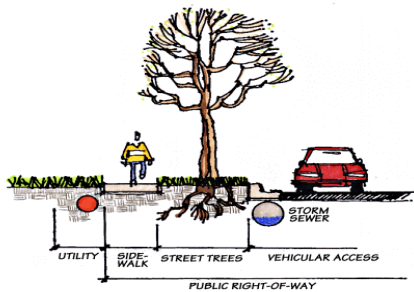
The minimum distance between four-way intersections on Highway 150 shall be 1,500 feet.

- (c) *Off-site traffic improvements.* The requirements found in Sec. 44-809 (e) (5) shall apply to the THC District.
- (d) *Shared access.* The requirements found in Sec. 44-809 (e) (6) shall apply to the THC District.
- (e) *Connected interior driveways/parking.* The requirements found in Sec. 44-809 (e 7 a) and (e 7 b) shall apply to the THC District.
- (f) *Channelization.* Channelization improvements shall be considered where a site access study indicates the possible existence of significant turning conflicts involved with the new development. “Channelization” means the separation of conflicting traffic movements into well-defined paths of travel by traffic islands or significant pavement markings.
- (g) *Signalization.* Only after all other traffic improvements have been explored shall signalizations be installed. Traffic signals will reduce turning conflicts but may significantly disrupt traffic flow.
- (h) *Street design.* All streets shall be designed and paved to meet the NCDOT standards. Streets can be designated as either public or private.
- (i) *Curbing.* Interior streets shall be curbed.

#### **Sec. 44-819. Streetscape landscaping.**

- (a) *Interior street landscaping.* For multi-tenant, multi-parcel or multi-building developments, shade trees shall be planted along both sides of all interior access streets, excluding streets not typically used by the public. Typical plantings must include as a minimum 14 shade trees per 1,000 linear feet which are at least eight feet tall at planting and will be a minimum of 20-feet tall at maturation and which are similar in size and shape.
- (b) *Entranceways.* Multi-tenant, multi-parcel or multi-building developments must provide for the installation of a median-type entranceway at all entrances on major or minor thoroughfares. The median shall be grassed and landscaped.

- (c) *Entrance landscaping.* Landscaping shall be provided at site entrances, in public recreation/open space areas and adjacent to buildings. The type and amount of landscaping required shall be allowed to vary with the type of development.
- (d) *Existing road buffer landscaping requirements.* All development fronting along Highway 150, Sherrills Ford Road and Slanting Bridge Road shall provide the following across all street frontages:
- (1) 5 foot landscape strip between the curb and sidewalk for replacement of existing sidewalk or for new construction only, otherwise the existing dimension varies throughout the THC District.
  - (2) 5 foot wide sidewalk.
  - (3) 10 foot (minimum) landscape strip behind the right-of-way (within the front setback).
  - (4) Canopy Trees shall be planted 35 feet on-center on one side of the sidewalk. Where aerial utility lines prohibit the installation of canopy trees, small maturing trees may be substituted with permission of Catawba County planning staff. All trees planted within the right-of-way shall require approval by NCDOT.



Interior street landscaping



Entranceway landscaping



**Sec. 44-820. Buffering and screening.**

- (a) *Residential buffers.* When a THC District directly abuts a residential zoning district, a 30-foot landscaped buffer meeting the requirements found in Sec. 44-151 (c) (3) shall apply.
- (b) *Water body buffers.* When natural bodies of water are on site, the requirements found in Sec. 44-809 (f) (9) shall apply to the THC district.
- (c) *Dumpster Screening.* Dumpsters or trash handling areas shall be screened from adjacent properties and from public view, with a minimum six (6) foot high solid fence or wall using materials similar in appearance and durability as the principal structure. All such areas shall have a solid and closeable gate.
- (d) *Mechanical equipment screening.* Mechanical equipment at ground level shall be placed on the parking lot side of the building and away from buildings on adjacent sides. It shall be screened from the public street by walls, fencing and/or landscaping. Mechanical equipment on rooftops shall be screened from the view of the street.
- (e) *Maintenance area screening.* All loading, shipping, storage, and maintenance areas viewed from the street shall be heavily landscaped with mature trees, at least six feet tall, or other screening, also six feet tall, while providing sufficient space for ingress and egress of vehicles. Mechanical areas on the tops of buildings shall be screened.
- (f) *Construction cleanup, maintenance, and Landscaping of disturbed land.* During the construction of a project, the requirements found in Sec. 44-809 (f) (1), (2), and (3) shall apply.



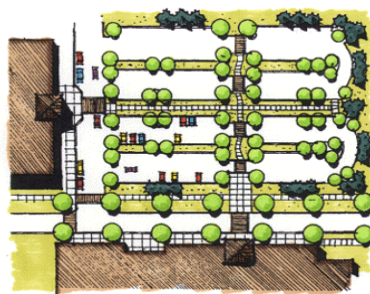
**Sec. 44-821. Landscaping of parking areas.**

- (a) *Parking area landscaping.* Parking areas shall include one shade tree per 10 parking spaces. The shade tree shall be at least four feet tall at planting and eight feet within three years. Tree planting areas within parking lots shall be at least eight feet wide, a minimum of 200 square feet in area, edged with a curb at least six inches in height, and designed to minimize damage to trees by parking or moving vehicles. The remaining area shall be landscaped with plantings (bushes, shrubs, flower beds).

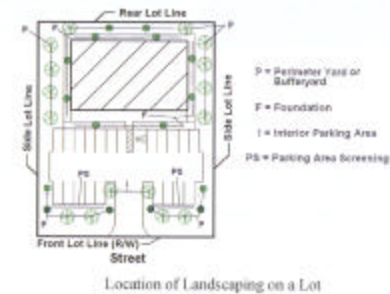
- (b) *Perimeter parking area landscaping.* Large maturing canopy trees shall line the parking lot; they shall be planted at a maximum of 40 ft. on center. Tree planting strips at perimeter of lots shall be a minimum of 10 feet in width. The remaining area shall be landscaped with plantings (bushes, shrubs, flower beds). Only where preexisting overhead utility lines prevent use of large maturing trees may small maturing trees maximum 30 ft. on center be substituted.
- (c) *Screening of parking areas.* Parking abutting Highway 150, Sherrills Ford Road or Slanting Bridge Road should be minimized, however when design dictates parking abutting these roads, a continuous row of evergreen shrubs/masonry wall shall be installed to block the view of the parking lot and not necessarily the building from the traveling public.



Parking area landscaping



Perimeter &amp; internal parking area landscaping



Schematic parking landscape plan for a single outparcel

## Sec. 44-822. Pedestrian design.

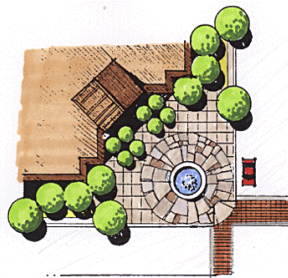
- (a) *Generally.* In general, the plan shall provide a unified and well-organized arrangement of buildings, service areas, parking, pedestrian and landscaped common areas (which can include pocket parks), to provide for maximum comfort and convenience of visitors and employees. Commercial buildings shall be so grouped in relation to parking areas that, after visitors arriving by automobile enter the walkway system, establishments can be visited conveniently with a minimum of conflicts with vehicles.
- (b) *Pedestrian design.* For multi tenant/building/parcel projects, the site plan shall include provisions for pedestrian-scale amenities, which may include benches, picnic tables, courtyards, plazas, water attractions and trash receptacles. These enhancements are essential to creating an efficient and functional environment as well as promoting a sense of place. An area shall be reserved for pedestrian use and/or open space and shall be improved and maintained accordingly. Such areas may include covered malls for general pedestrian use, exterior walkways/crosswalks, outdoor seating areas and the like where the facilities are available for common use by employees and visitors. Required buffer areas and setback yards as well as improved deck and roof areas may be used to meet this requirement.

- (c) *Heavy traffic generators.* Service stations, fast food restaurants and similar uses, if provided, shall be so located that operations do not interrupt pedestrian or traffic flows in other parts of the development.
- (d) *Location of loading zones and maintenance areas.* Loading zones where customers pick up goods shall be so located and arranged as to prevent interference with pedestrian movement within the development. Facilities and access routes for shopping center deliveries, servicing, and maintenance shall be so located and arranged as to prevent interference with pedestrian traffic in the center.
- (e) *Pedestrian travel.* All buildings or building clusters within the development shall be connected with linkages other than roads (sidewalks, bikeways and walking paths). When feasible, these linkages shall be provided between adjacent sites. Pedestrian access may be provided at any suitable locations within the district, but shall, where practicable, be separated from vehicular access points in order to reduce congestion, marginal friction and hazards, except where signalization is used in such a manner as to control pedestrian and vehicular movements safely.
- (f) *Natural areas.* Protecting environmentally sensitive areas for use as open space in the development should be given a high priority in site design. The GDP shall identify these environmentally sensitive areas (e.g., floodplains as delineated by the Federal Emergency Management Agency, and wetlands, as identified by the U.S. Army Corps of Engineers through field inspection). Where such resources are present, no design shall be approved unless it complies with the requirements of all applicable federal, state and local laws and regulations pertaining to these resources. These laws and regulations include but are not limited to section 404 of the Clean Water Act and its implementing regulations, article XIV of this chapter pertaining to flood damage prevention and division 3 of this article pertaining to the watershed protection district.

#### Pedestrian Design



Pocket park with benches



Plaza – A form of open space that is typically located at the intersection of major streets



Crosswalk

**Sec. 44-823. Parking.**

- (a) *Parking.* The requirements found in Article IX (Off-Street Parking and Loading), shall apply to off-street parking requirements in the THC District. Additionally, the following requirements shall also apply to parking in the THC District:
- (1) *Generally.* Off-street loading shall be provided with area location and design appropriate to the needs of occupants of the district and protection of adjacent property from adverse effects. No space designated as required off-street parking space for the general public shall be used as off-street loading space or maneuvering room for vehicles being loaded or unloaded.
  - (2) *Interior parking required.* When a shared parking lot is located in front of a building, the parking lot shall be separated from the building frontage with a street and walkway. A connection from the building front to a parking lot shall be with a pedestrian walkway. Shared parking lots shall be located in the interior sections of multiple-building developments. On-street parking is encouraged. For buildings oriented towards the interior to the development, parking can be located to the front, rear or side, provided screening, buffering, landscaping, pedestrian amenities and setbacks contained herein are adhered to.
  - (3) *Connected parking areas.* All parking areas should be linked to parking on adjacent project sites. When adjacent property is zoned THC District, provisions shall be made to allow for this parking connection when the property develops.
  - (4) *Parking deck.* Buildings in excess of 50-foot in height will require a parking deck.
  - (5) *Commercial vehicle parking.* Parking of commercial vehicles shall not be visible from streets.
  - (6) *Bicycle Parking.* A multi-building development should include an area for parking bicycles.



Interior parking



On-street parking

**Sec. 44-824. Signs.**

(a) *Signs.* The following requirements shall apply to all signage in the THC District:

(1) *Generally.* All signs for the GDP project shall conform to the requirements in article XV of this chapter, except where the requirements included in this subsection are more restrictive. Additionally, the following shall apply:

- a. No on-site sign larger than six square feet may be located closer than 100 feet from another similar or larger sign.
- b. All signs shall be located in such a manner to avoid impeding the view of motorists or pedestrians.
- c. No signs shall be located in any street right-of-way. Signs may be placed in the landscaped buffer areas.

(2) *Permitted Signs.* The following signs shall be permitted:

- a. One on-site sign structure for multi-tenant/building/parcel development, having not more than two sign surface areas, may be erected to identify the development. Such signs may not exceed 300 square feet in total sign area; may not be over 20 feet in height; may identify the center, as a whole, and the establishments' activities and facilities within the center but shall not include other advertising; and
- b. One wall sign or awning sign shall be permitted for individual establishments or buildings within the project for each wall exposed to adjoining streets, mounted on the building and not extending above its lower roofline. Such sign shall not exceed ten percent of the area of the wall involved or 30 square feet.
- c. Signs directing traffic shall be permitted but shall not exceed five square feet per side.

(3) *Prohibited signs.* The following signs shall be prohibited on any land zoned THC District:

- a. Portable signs.
- b. Roof signs.
- c. Mechanical movement signs.
- d. Posters, streamers, or similar devices used to attract attention.
- e. Windblown signs (banners, balloons, streamers, etc.).

- f. Electronic changeable copy signs except for time and temperature signs not exceeding 15 square feet.



**Sec. 44-825. Site lighting.**

- (a) The purpose of this Section is to provide direction in controlling light spillage and glare so as not to adversely affect motorists, pedestrians, and land uses of adjacent properties. Lighting intensities should be controlled to assure that excessive light spillage and glare are not directed at adjacent properties, neighboring areas, and motorists. The following general provisions shall apply:
- (1) Light fixtures (not attached to buildings) shall be affixed to a decorative pole, which may be of metal, fiberglass, or concrete. No wooden poles shall be allowed.
  - (2) All fixtures shall be either semi-cutoff or full-cutoff fixtures only.
  - (3) The maximum height of the light source (light bulb), detached from a building, shall be 20 ft.
  - (4) No fixture shall be located within 20 feet of a residentially zoned property.
- (b) Floodlights, spotlights or any other similar lighting shall not be used to illuminate buildings or other site features unless approved as an integral architectural element on the development plan. On-site lighting may be used to accent architectural elements and not be used to illuminate entire portions of building(s). Floodlights or other type of lighting attached to light poles that illuminate the site and/or building(s) are prohibited.
- (c) Outdoor illumination of building, landscaping and signs. The following provisions shall apply:
- (1) Exterior lighting should be integrated with the architectural character of the building. To avoid light spillage, only semi-cutoff, cutoff, or full cutoff fixtures shall be used.

- (2) The unshielded outdoor illumination of any building or landscaping is prohibited.
- (d) Lighting fixtures used to illuminate an outdoor advertising sign either shall be by directed ground lighting sign or mounted on the top of the sign and shall comply with shielding requirements.
- (e) Lighting for Gas Station/Convenience Store Aprons and Canopies. In addition to the provisions in Section 44-825, the following provisions shall apply:
  - (1) The lighting fixture bulbs shall be recessed into a canopy ceiling so that the bottom of the fixture is flush with the ceiling so that light is restrained to no more than 85 degrees from vertical.
  - (2) As an alternative to recessed ceiling lights, indirect lighting may be used where the light is directed upward and then reflected down from the underside of the canopy. In this case, light fixtures shall be shielded so that direct illumination is focused exclusively on the underside of the canopy.
  - (3) Lights shall not be mounted on the top or sides (facia) of the canopy, and the sides of the canopy shall not be externally illuminated.
  - (4) The lighting for new facilities (pump islands and under canopies) shall not exceed the average horizontal illumination of 10 foot-candles at grade level.
- (f) Wall Packs on buildings may be used in locations such as rear service doors and loading bays. They are not intended to draw attention to the building or provide general building or site lighting. Wall Packs on the exterior of the building shall be fully shielded (true cut-off type-bulb or light source not visible from off-site) to direct the light downward and be of low wattage (100 watts or lower).
- (g) Prohibited Lighting and Fixtures. The following are prohibited:
  - (1) Drop lenses, vertical burn lamps, and similar lighting fixtures are prohibited.
  - (2) Canopies and awnings used for building accents shall not be internally illuminated.
  - (3) Flashing, colored or obtrusive lighting is prohibited.
  - (4) The use of laser source light or any similar high intensity light for outdoor advertising or entertainment is prohibited.

- (5) The operation of searchlights for advertising purposes is prohibited.
- (6) Black lights and neon lights (including argon and similar rare gas fixtures), except for signage, are prohibited.



This 17th day of November, 2003.

Katherine W. Barnes, Chair  
Catawba County Board of Commissioners

After a lengthy discussion, Commissioner Beatty made a motion to adopt the aforementioned ordinance with the addition of stand alone use of pool halls and night clubs as prohibitive uses. The motion carried unanimously.

9. Appointments:

Commissioner Barger recommended the following appointments:

***Startown Small Area Planning Committee***

Berkley "Chip" Canupp

Jerry Lael

Thomas Jones

William "Rusty" Lutz

Charlie Wyant

Clarence Hood

Joe Propst

Tom Lilly

Dawn Mull

Reba Reinhardt

Tony Wolfe

Glenn Pattishall (Newton representative)

Keith Stahley (Hickory representative)

Kevin Sanders (Maiden representative)

***Catawba County Board of Adjustment***

Commissioner Beatty recommended the reappointment of David W. Hood for a third, three-year term. The term will expire November 30, 2006.

Commissioner Barger made a motion to approve the aforementioned appointments. The motion carried unanimously

10. Departmental Reports:

a. Planning Department:

1. NCDOT Enhancement Agreement - Bunker Hill Covered Bridge. (Copy of agreement on file in the Office of Planning Director.)

Planning Director Jacky M. Eubanks said on February 6, 2003, the North Carolina Department of Transportation (NCDOT) announced that Catawba County Historical Association and Catawba County had been awarded an \$80,000 grant. This NCDOT Enhancement grant would be blended with a \$25,000 local match funded by the Catawba County Historical Association to make improvements to the Bunker Hill Covered Bridge historical site. The Enhancement Agreement has been executed by the Catawba County Historical Association and awaits the County adoption of the following resolution and reciprocal agreement signatures. Once the County has executed the Agreement it will be forwarded to NCDOT for their signatures. NCDOT will then issue authorization to proceed with the project. The Policy and Public Works Subcommittee recommended that the Board of Commissioners adopt a resolution for the Enhancement Agreement for Project E-4806 for improvements to the Bunker Hill Covered Bridge Historical Site.

**RESOLUTION NO. 2003-48  
ENHANCEMENT AGREEMENT – PROJECT E-4806  
FOR IMPROVEMENTS TO THE BUNKER HILL COVERED BRIDGE HISTORIC SITE**

WHEREAS, the County of Catawba (County) and the Catawba County Historical Association (Association), have requested enhancement funding for the site improvements at the historic

Bunker Hill Covered Bridge located two miles east of Claremont on US Highway 70, Catawba County, North Carolina; and

WHEREAS, the Department of Transportation has programmed funding in the 2002-2008 Transportation Improvement Program, as revised, for said enhancement improvements under Project E-4806 in Catawba County; and

WHEREAS, the County/Association propose to enter into an Agreement with the North Carolina Department of Transportation for said enhancement improvements as described in said Agreement; and

WHEREAS, under the proposed Agreement the Department of Transportation shall reimburse the County to the extent of eighty percent (80%) of the approved eligible project costs up to the maximum of federal amount of \$80,000; and

WHEREAS, the County shall provide at least twenty percent (20%) matching funds and all costs that exceed the federal amount of \$80,000.

NOW THEREFORE, BE IT RESOLVED, that the Agreement for Project E-4806 in Catawba County is hereby formally approved by the Board of Commissioners of the County of Catawba, and, on behalf of the County of Catawba, the Chairman of the Board of County Commissioners and Clerk to said Board are hereby empowered to sign and execute the required Agreement with the Department of Transportation.

Adopted this the 17th day of November, 2003.

/s/ Katherine W. Barnes, Chair  
Catawba County Board of Commissioners

Attest  
/s/ Thelda B. Rhoney, County Clerk

Commissioner Lail made a motion to adopt the aforementioned resolution approving the enhancement agreement. The motion carried unanimously.

2. Informational item (no action required):

a. Terrell Highway Commercial (THC) District – rezoning was withdrawn.

At its October 27, 2003, meeting the Planning Board recommended that the Board of Commissioners not proactively rezone properties within the Highway 150 corridor to the Terrell Highway Commercial District. There was public concern for the increased tax values that would be incurred on residential properties if the area were rezoned to commercial. The Tax Office has confirmed with the Planning Department that the tax value of property will most likely increase once property is rezoned from residential to commercial regardless of the current use. At the public hearing one person spoke in favor of the text amendments while no one spoke in opposition. Two people spoke in opposition to the proactive rezoning of the district mainly due to the potential for increased tax value of property, vandalism that could occur and traffic concerns. One of the people who spoke in opposition wanted to know what Crescent Resources has planned for their parcel, which makes up 53-acres of the 180-acre THC District. Staff commented that some discussion has taken place, but to date no development plan has been submitted.

b Utilities and Engineering Department:

1. North Carolina Rehabilitation Code by Ordinance.

Chief Building Services Official Armin J. Wallner gave a brief PowerPoint presentation and said during the 2001 North Carolina General Assembly Session an act was approved by the General Legislature to establish a building code pilot program for rehabilitating existing buildings. Mecklenburg County assumed the role as the lead local jurisdiction and developed

a pilot rehabilitation building code based on the New Jersey Uniform Construction Rehabilitation Sub-code that could be adopted by all eligible local jurisdictions within the State.

For purposes of the act, "eligible local jurisdictions" means cities and counties whose local building inspection departments have been approved by the Building Code Council to conduct local plan review approval in accordance with Section 602.2.3 of the Administrative Volume of the North Carolina State Building Code.

As of September 9, 2003, the North Carolina State Building Code Council has approved our jurisdiction to conduct local plan review in accordance with Section 602.2.3. The final step in becoming a participating jurisdiction is to communicate to the Department of Insurance and the lead local jurisdiction (Mecklenburg County) that our governing body has adopted the pilot code.

Due to the recent consolidation of the City of Hickory and Catawba County Inspection Departments the newly formed Catawba County Building Services Division is confident they are currently staffed at levels that will enable them to conduct plan review, field inspections as well as provide the administrative support needed to implement the Rehabilitation Code in accordance with the Mission and Commitment to Service document that was implemented with the merger.

The Policy and Public Works Subcommittee recommended that the Board of Commissioners adopt a local ordinance in accordance with Session Law 2003-357 to approve the use of the North Carolina Rehabilitation Code for existing buildings within the County Building Inspection Jurisdiction, to become effective January 1, 2004.

#### **ORDINANCE NO. 2003-23**

AN ORDINANCE TO ADOPT THE NORTH CAROLINA REHABILITATION CODE (NCRC).

BE IT ORDAINED that the Catawba County Code is hereby amended by adding a section, to be numbered Section 8-2, which said section reads as follows:

"Section 8-2 NORTH CAROLINA REHABILITATION CODE ADOPTED.

In accordance with the provisions of Senate Bill 633, enacted and ratified during the North Carolina General Assembly's 2001 session.

The 2002 edition including all subsequent amendments of the North Carolina Rehabilitation Code (NCRC) is hereby adopted by reference as fully as though set forth herein."

(a) All laws and clauses of laws in conflict herewith are hereby repealed to the extent of said conflict.

(b) If this ordinance or application thereof to any person or circumstance is held invalid, such invalidity shall not affect other provisions or applications of the ordinance, which can be given separate effect, and to this end the provisions of this ordinance are declared to be severable.

(c) This ordinance shall be enforced as provided in N.C.G.S. 153A-123 or as provided in the Catawba County Code of Ordinances. All criminal sanctions shall be the maximum allowed by law.

(d) This ordinance shall become effective on the 1st day of January 2004.

Adopted this 17th day of November, 2003.

/s/ Katherine W. Barnes, Chair  
Catawba County Board of Commissioners

Commissioner Beatty made a motion to adopt the aforementioned ordinance adopting the North Carolina Rehabilitation Code. The motion carried unanimously.

2. Engineering Services – Southeastern Catawba County Water Supply Loop Phase II. (Copy of Agreement on file in the Office of Public Utilities and Engineering Director.)

Commissioner Barger made a motion to take this issue off the table and bring back for action. The motion carried unanimously.

Utilities and Engineering Director Barry B. Edwards gave a PowerPoint presentation. He said In August 2000, Catawba County entered into a contract with the City of Hickory for the provision of the long-term supply of municipal water to Southeastern Catawba County (SECC). This agreement gave the City of Hickory sole rights to furnish water to the SECC through 2040. This agreement also required an interim companion agreement with the City of Conover to use their infrastructure to transfer water from Hickory's system to SECC (Keisler Dairy Rd Waterline contract, approved by the Board of Commissioners on September 17, 2001). The interim Conover contract limits the water transfer to 300,000 GPD and was structured to allow Catawba County the time required to develop infrastructure to meet the SECC long-term (20 year) water demand of 5 million gallons per day (MGD).

The City of Hickory is the primary supplier of drinking water to the Citizens of Catawba County. Thus, the SECC water distribution loop is a needed benefit for the citizens of the SECC area, Towns of Maiden and Catawba, and Cities of Claremont and Conover, ensuring the continuous flow of drinking water by providing a fortified distribution system. All cities will benefit from the SECC loop in the occurrence of a catastrophic event to their treatment system. A looped system allows water to flow in either direction providing for uninterrupted service during planned and unplanned system maintenance and repairs. The number of citizens impacted magnifies the importance of developing this loop.

The SECC water distribution loop is being developed in three separate but codependent phases. Phase I, commonly referred to as the N.C. Highway 150 waterline, is currently in bid process with an expected Board action date of December 1, 2003. Construction of Phase I will begin immediately following Board approval of Contractor.

Phase II engineering design considered herein will begin with the approval of the recommended engineering firm. The selected engineering firm will be first tasked to evaluate the County's proposed phase II planed route considering the County Commissioner's overall distribution system goal of serving the SECC area and providing a looped system that benefit all citizens. As part of the evaluation the engineer will among other factors consider municipal boundaries and ETJs, County fire districts, duplication of existing waterlines, cost, and construction. The City of Newton and the Town of Maiden are invited to supply their prospective growth plans including desired boundaries to County to be supplied and considered in the engineer's assessment. The engineer will establish the best routes for phase II and III as they are codependent.

Phase III is planned for fiscal year 2004-05 and total completion of the SECC water distribution loop is scheduled for December 2006.

North Carolina General Statute 143-64.31 governs the solicitation of an engineering firm. Local governments are required to (1) announce all requirements for engineering services; (2) select firms qualified to provide such services on the basis of demonstrated competence and qualifications for the type of professional services required, without regard at the preliminary stage to the firm's fee, other than unit price information; and (3) thereafter to negotiate a contract for the engineering services with the best-qualified firm. If a contract cannot be negotiated with that firm, negotiations are to be initiated with the next best-qualified firm.

On July 17, 2003, Request for Qualifications (RFQ) was sent to numerous engineering firms, the RFQ was advertised in the newspaper and posted on the County's Web site. On August 19, 2003, thirteen qualification statements were received. The Engineering Selection Committee consisting of Utilities & Engineering Director Barry Edwards, Public Services Administrator Jack Chandler, Purchasing Agent Debbie Anderson and Clint Canaday, PE MCL Engineers, Gene Haynes, City of Hickory Public Utilities Resource Director reviewed the RFQ's. The committee narrowed the list to (1) McGill Associates; (2) Hayes, Seay, Mattern & Mattern, Inc. and (3) Camp Dresser & McKee. Since the committee members were familiar with all three firms, we did not request they make an oral presentation.

McGill Associates was selected as the top-ranking firm for the following reasons:

- Positive past experience
- Have history of producing product in a timely manner
- Local firm that can react quickly to a high profile project
- Expertise in obtaining easements

The estimated cost of the Water Supply Loop Phase II is \$2,890,000. The contract for engineering services with McGill Associates, PA for design, bidding, and bid award is \$147,400, which is 5.1% of the estimated cost of the project well within guidelines found in FHA Projects under \$3,000,000, which is 5.5%.

Staff recommended the Board of Commissioners approve contracting with McGill Associates, PA, of Hickory as the engineering firm for the Southeastern Catawba County Water Supply Loop, Phase II, for \$147,400.

Commissioner Hunsucker made a motion to approve a contract with McGill Associates for the SECC Phase II design. The motion carried unanimously.

3. Hazardous Waste Day update.

Mr. Edwards reported that the Fall Hazardous Waste Day event at L. P. Frans Stadium on Saturday, November 15, 2003, was successful with a total of 350 customers.

11. Attorneys' Report. None.
12. Manager's Report. None.
13. Other items of business.

a. Reinventing:

**Personnel Changes, Reinventing Government - Social Services Department**

Section II (F) of the 2003-04 budget ordinance adopted June 16, 2003 states: Reinventing Departments may create or abolish positions which impact the outcomes approved by the Board of Commissioners and within available revenues upon summary approval of the Board of Commissioners. Approval will come at the next regularly scheduled Board of Commissioners' meeting and will be approved as part of the minutes.

Under this provision of the budget ordinance the following personnel changes have been made and will become effective December 1, 2003.

The positions are needed due to the continued increase in public assistance cases. The local economy contributes to an ever-increasing workload in Food Stamps and Medicaid, as Medicaid increased almost 40 percent in the past three years and Food Stamps 140 percent. Social Services has had minimal additional positions over the past three years and a question of productivity and employee sanity is at stake.

"Approve the establishment of three Income Maintenance Casework positions, one each in Food Stamps, Family Medicaid, and Adult Medicaid. Local economic conditions continue to fuel an ever-increasing workload in public assistance, necessitating additional staff to meet the public demand."

**Budget Transfer**

Transfer From:

|                     |          |
|---------------------|----------|
| Account # and Title | Amount   |
| 110-560100-691500   | \$46,151 |
| Special Contingency |          |
| 110-560100-996108   | \$27,690 |
| Surplus             |          |

|                     |           |
|---------------------|-----------|
| 110-560100-994200   | \$46,151  |
| Special Contingency |           |
| Total               | \$119,992 |

Transfer To:

| Account # and Title             | Amount   |
|---------------------------------|----------|
| 110-560502-626570               | \$15,384 |
| Medicaid Admin.                 |          |
| 110-560600-626570               | \$15,384 |
| Medicaid Admin.                 |          |
| 110-560601-626552               | \$15,384 |
| FS Admin.                       |          |
| 110-560502-812100               | \$18,703 |
| Regular Wages                   |          |
| 110-560502-821100               | \$1,431  |
| FICA                            |          |
| 110-560502-822100               | \$915    |
| Local Govt Employees Retirement |          |
| 110-560502-823100               | \$3,297  |
| Group Health                    |          |
| 110-560502-823300               | \$146    |
| Group Dental                    |          |
| 110-560502-823600               | \$35     |
| Disability Long Term            |          |
| 110-560502-823610               | \$27     |
| Basic Life Insurance            |          |
| 110-560502-825500               | \$62     |
| Disability Short Term           |          |
| 110-560600-812100               | \$18,703 |
| Regular Wages                   |          |
| 110-560600-821100               | \$1,431  |
| FICA                            |          |
| 110-560600-822100               | \$915    |
| Local Govt Employees Retirement |          |
| 110-560600-823100               | \$3,297  |
| Group Health                    |          |
| 110-560600-823300               | \$146    |
| Group Dental                    |          |
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| Basic Life Insurance            |          |
| 110-560600-825500               | \$62     |
| Disability Short Term           |          |
| 110-560601-812100               | \$18,703 |
| Regular Wages                   |          |
| 110-560601-821100               | \$1,431  |
| FICA                            |          |
| 110-560601-822100               | \$915    |
| Local Govt Employees Retirement |          |
| 110-560601-823100               | \$3,297  |

|                              |  |           |
|------------------------------|--|-----------|
| <i>Group Health</i>          |  |           |
| 110-560601-823300            |  | \$146     |
| <i>Group Dental</i>          |  |           |
| 110-560601-823600            |  | \$35      |
| <i>Disability Long Term</i>  |  |           |
| 110-560601-823610            |  | \$28      |
| <i>Basic Life Insurance</i>  |  |           |
| 110-560601-825500            |  | \$62      |
| <i>Disability Short Term</i> |  |           |
| Total                        |  | \$119,992 |

14. Adjournment.

At 8:25 p.m. there being no further business to come before the Board, Commissioner Barger made a motion to adjourn. The motion carried unanimously.

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Katherine W. Barnes  
Chair, Board of Commissioners

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Thelda B. Rhoney  
County Clerk